

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated December 9, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the Application. Claims 1, 4, 8, and 13 are independent claims.

In the Final Office Action, claims 1-2, 4-5, 8-11, and 13-20 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 7,379,661 to Lamkin ("Lamkin"). Claims 3, 6-7 and 12 are rejected under 35 U.S.C. §103(a) over Lamkin in view of U.S. Patent No. 7,286,747 to Lewis ("Lewis"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-16 are allowable over Lamkin alone and in view of Lewis for at least the following reasons.

The claims are amended here to clarify that which is recited in the claims. No new matter is added by this amendment to the claims. Consideration and entrance of the amendments to the claims is respectfully requested. Claim 1 is directed to playback of content having a plurality of distinct branches. In cases where the content is a video game for example, these branches are sometimes incompatible story lines or paths. An example of such content branches is provided in the present application FIG. 1 and page 1, lines 8-19.

So for example in content where a knight sets out to save a princess, a first branch may include the knight saving the princess and in a second branch, the dragon may get the knight and the princess may remain imprisoned. In accordance with the present system,

the bookmarks are set when a user makes meaningful steps like forgetting to take along an invisibility cloak during playing of the content. When the user terminates and later restarts the playback, the bookmarks assist in playing the correct branches. When, for example, the knight decides to retrace his steps to return for the cloak, it is important that the correct branch is played back.

Claim 1 recites "detecting each branch indication while playing the content, the branch indication identifying a branch of the plurality of distinct branches of the content selected for playback". Thus, after "a bookmark corresponding to the detected branch indication" as in claim 1 is created, the user may go forward or retrace their steps, e.g., fast forward and/or rewind the content, but always be able to play the bookmarked branch.

Lamkin, similar to Lewis merely provides for restarting a single stream presentation. Contrary to the assertion contained in the Final Office Action, there is simply no discussion in Lamkin, col. 21, lines 21+ and Table 1, nor any part of Lamkin for that matter of "playing content having a plurality of distinct branches on a playback device" as for example recited in claim 1.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Lamkin. For example, Lamkin does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "detecting each branch indication while playing the content, the branch indication identifying a branch of the plurality of distinct branches of the content selected for playback ... wherein subsequent playing of the content is limited to the branches

corresponding to the detected branch indication of the bookmark" as recited in claim 1, and as similarly recited in each of claims 4, 8 and 13.

Lewis is introduced for rejecting dependent claims and does not remedy the deficiencies of Lamkin.

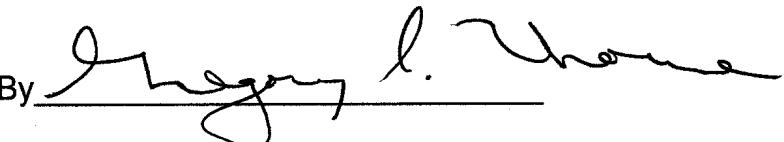
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 4, 8, and 13 are patentable over Lamkin and notice to this effect is earnestly solicited. Claims 2-3, 5-7, 9-12 and 14-20 respectively depend from one of claims 1, 4, 8 and 13 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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Serial No. 10/578,376
Amendment in Reply to Final Office Action of December 9, 2009

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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